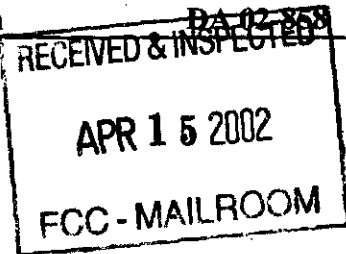


Federal Communications Commission

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)	
)	
Amendment of Section 73.202(b),)	
Table of Allotments,)	
FM Broadcast Stations.)	
(Woodbury, Georgia)	)	MM Docket No. 01-13
	)	RM-10038
)	
(Reliance, Wyoming)	)	MM Docket No. 01-20
	)	RM-10049
)	
(Eagle Lake, Texas)	)	MM Docket No. 01-80
	)	RM-10089
)	
(Montana City, Montana)	)	MM Docket No. 01-81
	)	RM-10090
)	
(Plainville, Georgia)	)	MM Docket No. 01-102
	)	RM-10100
)	
(Rosholt, Wisconsin)	)	MM Docket No. 01-103
	)	RM-10102
)	
(Morgantown, Kentucky)	)	MM Docket No. 01-114
	)	RM-10128
)	
(Boswell, Oklahoma)	)	MM Docket No. 01-136
	)	RM-10155
)	
(Frederic, Michigan)	)	MM Docket No. 01-201 ✓
	)	RM-10216

REPORT AND ORDER
(Proceedings Terminated)

Adopted: April 3, 2002;

Released: April 12, 2002

By the Assistant Chief, Audio Division:

1. The Commission has before it Notices of Proposed Rule Making, specified below, setting forth nine separate proposals to allot a FM channel to a specific community. Each petitioner filed comments in support of its proposal reaffirming its intention to apply for the specified channel, if allotted. Each proposal complies with all Commission technical requirements and we continue to believe that each proposal would serve the public interest. Accordingly, we adopt each proposal as originally proposed. These are as follows:

A. MM Docket No. 01-13, RM-10038; 16 FCC Rcd 2164 (2001)

Action: At the request of Bernice P. Hedrick are allotting Channel 233A at Woodbury, Georgia, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 233A at Woodbury are 32-54-40 North Latitude and 84-28-34 West Longitude.

Additional Information: This allotment requires a site restriction of 13.0 kilometers (8.1 miles) southeast to avoid short-spacings to the licensed sites of Station WSTR(FM), Channel 231C, Smyrna, Georgia, and Station WYSF(FM), Channel 233C, Birmingham, Alabama.

FCC Contact: Sharon P. McDonald (202) 418-2180

B. MM Docket No. 01-20, RM-10049; 16 FCC Rcd 2305 (2001)

Action: At the request of Reliance Broadcasting, we are allotting Channel 265C3¹ at Reliance, Wyoming, as the community's first local aural transmission service.² Comments in support of the

¹ Although Channel 288C3 was proposed at reference coordinates 41-39-44 NL and 109-06-50 WL in the Notice of Proposed Rule Making, we are allotting alternate Channel 265C3 at Reliance, Wyoming. On March 6, 2001, Ashley Communications, Inc. filed an application (File No. BPH-20010306ABN) requesting a minor change in its facilities. The application was filed after the instant rulemaking petition, but timely filed to be treated as a counterproposal in the context of this proceeding. However, an alternate Class C3 channel was found for Reliance eliminating the need for a comparative analysis. See Conflicts Between Applications and Petitions for Rulemaking to Amend the FM Table of Allotments, 7 FCC Rcd 4917 (1992), recon. granted in part and denied in part, 8 FCC Rcd 4743 (1993). See also Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, 8 FCC Rcd 4735 (1993).

² A staff search revealed that Reliance is a Census Designated Place located in Sweetwater County with a 2000 Census population of 665 persons. It has its own post office and zip code (82943). It also has a grade school, volunteer fire department and some businesses, e.g., W. J. Transport, Rocket Sanitation, Wyoming Sanitation, Ice Age, Pepsi-Cola Bottling Co., Western Wyoming Beverages, Inc., Van Waters & Rogers, Lyons Machine Services,

proposal were also filed by BK Radio stating its intention to apply for the channel, if allotted.

Coordinates: The reference coordinates for Channel 265C3 at Reliance are 41-40-09 North Latitude and 109-11-47 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

C. MM Docket No. 01-80, RM-10089; 16 FCC Rcd 7210 (2001)

Action: At the request of Stargazer Broadcasting, Inc., we are allotting Channel 237C3 at Eagle Lake, Texas, as the community's first local aural transmission service.³ Comments in support of the proposal were also filed by Maurice Salsa, Charles Crawford, John W. Barger, and Elgin FM Limited Partnership stating their intention to apply for the channel, if allotted to the community.

Coordinates: The reference coordinates for Channel 237C3 at Eagle Lake are 29-35-15 North Latitude and 96-30-03 West Longitude.

Additional Information: This allotment requires a site restriction of 16.4 kilometers (10.2 miles) west to avoid short-spacings to the licensed sites of Station KVIC(FM), Channel 236C3, Victoria, Texas, and Station KIKK-FM, Channel 239C, Houston, Texas.

FCC Contact: Sharon P. McDonald (202) 418-2180

D. MM Docket No. 01-81, RM-10090; 16 FCC Rcd 7210 (2001)

Action: At the request Montana Magic Investments, Inc., we are allotting Channel 293A at Montana City, Montana, as the community's first local aural transmission service.⁴

Four Square Builders, Dowell A Division of Schlumberger Technology Corp., Aspen Welding & Fabrication, Action Plumbing & Heating, Knudsen Asphalt Maintenance, and Pablo & Picasso Painting.

³ Pursuant to Section 1.52 of the Commission's Rules, petitioner was requested to provide an affidavit verifying that the statements contained in its petition were accurate to the best of its knowledge, and petitioner has complied accordingly.

⁴ In response to the request to demonstrate "community" status, petitioner states that while Montana City is unincorporated, the city has several businesses, including gas stations, restaurants, a hotel, a full-service bank, a beauty parlor and more. Further, the Southern Baptist Convention, a world-wide religious organization, recently

Coordinates: The reference coordinates for Channel 293A at Montana City are 46-33-43 North Latitude and 111-57-39 West Longitude.

Additional Information: This allotment requires a site restriction of 3.8 kilometers (2.4 miles) north to avoid a short-spacing to the license site of Station KWYS-FM, Channel 293C, Island Park, Idaho. Since Montana City is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government was requested but has not been received. If a construction permit is granted prior to the receipt of formal concurrence in the allotment by the Canadian government, the construction permit will include the following condition: "Operation with the facilities specified herein is subject to modification, suspension, or termination without right to hearing, if found by the Commission to be necessary in order to conform to the USA-Canadian FM Broadcast Agreement."

FCC Contact: Sharon P. McDonald (202) 418-2180

E. MM Docket No. 01-102, RM-10100; 16 FCC Rcd 8937 (2001)

Action: At the request of Plainville Communications, we are allotting Channel 285A at Plainville, Georgia, as the community's first local aural transmission service. Comments in support of the proposal were also filed by Georgia-Carolina Radiocasting Companies stating its intention to apply for the channel, if allotted to the community.

Coordinates: The reference coordinates for Channel 285A at are 34-25-58 North Latitude and 85-05-48 West Longitude.

Additional Information: This allotment requires a site restriction of 6.5 kilometers (4.0 miles) northwest to avoid a short-spacing to the licensed site of Station WFSH-FM, Channel 284C1, Athens, Georgia.

FCC Contact: Sharon P. McDonald (202) 418-2180

invested substantial funds into establishing a church in Montana City, completing a large church building and grounds in March, 2001.

Pursuant to Section 1.52 of the Commission's Rules, petitioner was requested to provide an affidavit verifying that the statements contained in its petition were accurate to the best of its knowledge, and petitioner has complied accordingly.

F. MM Docket No. 01-103, RM-10102; 16 FCC Rcd 8937 (2001)

Action: At the request of Craig Norlin, we are allotting Channel 263A at Rosholt, Wisconsin, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 263A at Rosholt are 44-40-12 North Latitude and 89-23-45 West Longitude.

Additional Information: This allotment requires a site restriction of 8.6 kilometers (6.3 miles) northwest to avoid a short-spacing to the license site of Station WIZD(FM), Channel 260C3, Rudolph, Wisconsin, and Station WNCY-FM, Channel 262C2, Neenah-Menasha, Wisconsin.

FCC Contact: Sharon P. McDonald (202) 418-2180

G. MM Docket No. 01-114, RM-10128; 16 FCC Rcd 11103 (2001)

Action: At the request of Green River Radio Company, we are allotting Channel 256A at Morgantown, Kentucky, as the community's first local aural transmission service.

Coordinates: The reference coordinates for Channel 256A at Morgantown are 37-15-34 North Latitude and 86-48-40 West Longitude.

Additional Information: This allotment requires site restriction of 11.9 kilometers (7.4 miles) west to avoid short-spacings to the licensed sites of Station WKNK(FM), Channel 256A, Edmonton, Kentucky and Station WKDQ(FM), Channel 258C, Henderson, Kentucky. The coordinates for Channel 256A at Morgantown are 37-15-34 North Latitude and 86-48-40 West Longitude.

FCC Contact: Sharon P. McDonald (202) 418-2180

H. MM Docket No. 01-136, RM-10155; 16 FCC Rcd 12722 (2001)

Action: At the request of Boswell Broadcasting Company, we are allotting Channel 282C3 at Boswell, Oklahoma as the community's first local aural transmission service. Comments in support of the proposal were also filed by Boswell Broadcasters of Oklahoma stating its intention to apply for the channel, if allotted to the community.

Coordinates: The reference coordinates for Channel 282C3 at Boswell are 34-01-38 North Latitude and 95-52-08 West Longitude.

Additional Information: This allotment is at city reference coordinates and requires no site restriction.

FCC Contact: Sharon P. McDonald (202) 418-2180

I. MM Docket No. 01-201, RM-10216; 16 FCC Rcd 1580 (2001)

Action: At the request of Jeraldine Anderson, we are allotting Channel 237A at Frederic Michigan, as the community's first local aural transmission service.⁵

Coordinates: The reference coordinates for Channel 237A at Frederic are 44-46-29 North Latitude and 84-39-29 West Longitude.

Additional Information: This allotment requires a site restriction of 7.6 kilometers (4.7 miles) east to avoid short-spacings to the licensed sites of Station WCFX(FM), Channel 237A, Clare, Michigan, and Station WJZJ(FM), Channel 238C2, Glen Arbor, Michigan. Since Frederic is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been obtained.

FCC Contact: Sharon P. McDonald (202) 418-2180

2. Accordingly, pursuant to the authority found in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective **May 28, 2002**, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, to read as follows:

Community

Channel No.

Woodbury, Georgia

233A

⁵ The petition for rule making was filed by Alpine Wireless of Frederic ("Alpine"). In its comments, Alpine stated that it was no longer interested in pursuing the allotment of Channel 237A at Frederic, Michigan. However, comments in support of the proposal were also filed by Jeraldine Anderson, so we are allotting the channel.

In accordance with Section 1.420 (j) of the Commission's Rules, Alpine filed a declaration stating that it received no consideration in exchange for not pursuing the allotment.

Reliance, Wyoming	265C3
Eagle Lake, Texas	237C3
Montana City, Montana	293A
Plainville, Georgia	285A
Rosholt, Wisconsin	263A
Morgantown, Kentucky	256A
Boswell, Oklahoma	282C3
Frederic, Michigan	237A

3. The window period for filing applications for these allotments will not be opened at this time. Instead, the issue of opening these allotments for auction will be addressed by the Commission in a subsequent order.

4. IT IS FURTHER ORDERED, That the aforementioned proceedings ARE TERMINATED.

5. For further information concerning a specific docket, contact the FCC Contact listed above for that docket.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos, Assistant Chief
Audio Division
Office of Broadcast License Policy
Media Bureau